



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,395	03/19/2001	Michael A. Muller	00366.000125.	6004
5514 7590 02/18/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
RETTA, YEHDEGA				
ART UNIT		PAPER NUMBER		
3622				
MAIL DATE		DELIVERY MODE		
02/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/810,395

Applicant(s)

MULLER, MICHAEL A.

Examiner

Yehdega Retta

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-22, 55-59, 61-82, 93, 94 and 98-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-22, 55-59, 61-82, 93, 94 and 98-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This office action is in response to amendment filed November 24, 2008. Applicant submitted an English language translation of a foreign document. Therefore, the priority document is perfected. Claims 1, 4-22, 55-59, 61-82, 93, 94 and 98-101 are still pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4-22, 55-59, 61-82, 93, 94, 98-101 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 55 and 65, recite "receive from a plurality of other participants via the network at least non-final suggested solutions to a problem" and distributing portion of the award to those participants who contributed at least non-final suggested solutions to the problem. It is unclear what applicant means by receiving "at least non-final suggested solutions". If it means that any suggested solution is received (final and non-final) and award is distributed to any received suggested solution it is unclear if the server only awards if it is determined that the problem has been solved. The claims also recite "wherein the distributions of the portions of the award are varied over the course of development of the suggested solutions **for the purpose of guiding the development of a final solution to the problem**", but is unclear if the award is also given to the final suggested solution or not. In short it is unclear what applicant means by receiving "at least non-final suggested solutions". Clarification is respectfully requested.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-9, 12-19, 22, 55-59, 61-62, 64-72, 74-76, 78-79, 93, 94, 98-101, are rejected under 35 U.S.C. 102(c) as being clearly anticipated by Gardner et al. (US 6,064,978).

Regarding claims 1, 8, 9, 22, 55, 64-66, 71-72 and 77, Gardner teaches a server operable to receive formulation of a problem to be solved; receiving from a plurality of participants via a network *at least non-final suggested solution* to the problem (see fig. 1); distribute portions of an award to those participants *who contribute the at least non-final suggested solution to the problem the suggested solutions(see col. 3 lines 8-27)*; tools for controlling the distribution of the award; wherein the distribution of the portions of the award are varied (see col. 5 lines 18-38); wherein the distribution of the portions of the award are varied over the course of the development of the suggested solution (col. 3 lines 20-45). Gardner also teaches computer network within an organization e.g., corporate intranet and the reward provided by organizational or corporate recognition (see col. 2 lines 7-15).

Regarding claims 4, 56, 67, Gardner teaches managing a discussion of the problem and the suggested solutions and receiving and displaying the discussion in real time;

Regarding Claims 5, 12, 57 and 68, Gardner teaches receiving anonymously the formulation of the problem and the suggested solutions (col. 4 lines 1-3).

Regarding claim 6, 7, 58, 59, 69 and 70, Gardner teaches storing the formulation of the problem and suggestions and tools for controlling the distribution of portion of the awards (see col. 4 lines 57-67);

Regarding claims 13, 74 and 75, Gardner teaches blocking further development of a suggested solution (see col. 1 lines 53-65);

Regarding claim 14, Gardner teaches the participant to select on of the suggested solutions and control discussion in the context of the selected suggested solution (see abstract, col. 3 lines 20-27).

Regarding claim 15, Gardner teaches problem question related to company processes (see fig. 2-6).

Regarding claims 16-19, 61, 62, 76, 78-79, Gardner teaches receiving selection of competent authority from the other participants answering the question and facilitating a private problem resolution discussion between the first participant and the competent authority (see col. 3 lines 20-34); authority is preselected before the formulation of the problem (participants are registered before they can provide answers) (see col. 3 line 65 to col. 4 line 3).

Regarding claims 93, 94, 98, 99, 100 and 101, Gardner teaches determining a quality assessment based on the portion of award received (col. 3 lines 34-53);

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. (6,064,978) in view of Experts Exchange How-To; "How Experts Exchange®

Works"; <http://web.archive.org/web/1997042101341/www.experts-exchange.com/info/howto.html>. (Hereinafter Experts-Exchange)

Regarding claims 20 and 80, Gardner teaches competent authority from the other participants answering the question and facilitating a private problem resolution discussion between the first participant and the competent authority (see col. 3 lines 20-34), but failed to teach providing a negotiation forum between the competent authority and the client, it is taught by Experts-Exchange (see page 1 expert negotiating with the client for points and once the expert prepares and submits an answer to the question, the question is then locked and you must work with the expert for the time being).

Claims 10, 21, 63, 81 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. (6,064,978) in view of Bahar (US 6,694,355).

Regarding claims 10, 21, 63, 81 and 82, Bahar teaches wherein the other participants are viewers of a television broadcast relating to the formulation of the problem and the suggested solutions and the presenter is a television presenter for the television broadcast (see col. 52-67); the system operable to thread the discussions (see col. 3 line 52 to col. 4 line 18). Bahar teaches the system to include all forms of network communications known to one in the relevant technical art, such as the Internet, www, BBS, satellite system etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to perform Gardner's questions and answers using any communication means as in Bahar for the intended motivation of allowing access through different communication means.

Regarding claims 11 and 73, Gardner/Bahar does not teach the presenter is selected by the other participants. Official notice is taken that is old and well known in the art of chat or

whiteboard for the presenter to be selected by any of the participants. It would have been obvious to one of ordinary skill in the art at the time of the invention to select a presenter in order to provide access to the chat or white board.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-22, 55-59, 61-82, 93, 94 and 98-101 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ginn US 6,275,811 teaches incentive for positive contributive behavior.

Saxena et al. (US 20060173702 A1) teaches collaborative browsing with expert.

About Experts Exchange TM (<http://web.archive.org/web/1997111001525/www.experts-exchange.com/info/geninfo.htm>).

How to Become An Expert <http://web.archive.org/web/19970421014217/www.experts-exchange.com/info/expert.htm>.

Experts Exchange for Intranets
<http://web.archive.org/web/19971110021954/www.experts-exchange.com/info/intranet.htm>

The Knowledge Community <http://web.archive.org/web/19971110015159/www.experts-exchange.com/info/community.htm>.

Experts Exchange: Gold site! <http://web.archive.org/web/19971110014952/www.experts-exchange.com/info/gold.htm>.

Experts Exchange: Registering as an Expert; How To Become An Expert.

<http://web.archive.org/web/19970421014217/www.experts-exchange.com/info/expert.htm2>.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR

/Yehdega Retta/
Primary Examiner, Art Unit 3622